

due notice after a conviction of the crime for which he stands convicted, and it results in differing enforcement of the laws depending upon different legal views of various jurors.

The latest case on this particular section was a case of *Roger Reilly*, which went to the Supreme Court on writ of certiorari, which the Supreme Court denied.

The Fourth Circuit in its opinion stated "It is noteworthy that the Maryland Constitutional Convention Commission which is currently drafting proposals for submission to a Constitutional Convention to be held next year has under consideration a proposal to delete section 5 from the Constitution. Indeed, a subcommittee has found that the leaders of the Maryland State Bar Association have already recommended this step.

"There is thus less reason for a court, especially a federal court, to anticipate the people of the State in effecting a change in a constitutional policy."

I suggest to you fellow delegates, although this particular provision of the Constitution has been held constitutional but is has never received the full treatment in the Supreme Court, and if it does I suggest it will be held unconstitutional.

DELEGATE JAMES (presiding): Does anyone wish to speak against?

Delegate Churchill Murray.

DELEGATE E. C. MURRAY: Mr. Chairman and fellow delegates: I would like to approach this from an entirely different point of view. I feel obliged to quote Delegate Jett two or three days ago when he said, "For whom are we preparing this Constitution? Are we preparing it for the attorneys of this State? Are we preparing it for the people of the State?" And, I might add, is there not a meeting ground between all?

I do not want to digress except that I think I should say when I notice the names that are affixed to this amendment, I shudder with the ability and knowledge that stands behind it.

On the other hand, it happens that I have had an unusual amount of jury experience. I feel that someone should speak on the matter from the standpoint of the layman, and therefore I do so.

I recognize that it is unique, and I do not think that that is a reason either to keep it, or to discard it. I think that there

are three basic questions. If these gentlemen behind me can hear me: How do we have it? Whence did it come? Should we keep it?

We and our ancestors in England have had it for at least 200 years. I cannot trace it back of that. Sir William Poultney, who lived from 1684, and I do not think these statistics mean too much, but for those who are impressed by antiquity, 1684, to 1764 in his verse called "The Honest Jury," says "For twelve honest men have decided the cause, who are the judges alike of the fact and the law."

Walpole, who lived at the same time, said "I would rather face another man's word than support Poultney's tongue."

Would that I had supported his tongue.

DELEGATE JAMES (presiding): Delegate Murray, your time has expired, but you may complete the sentence or two in your statement.

DELEGATE E. C. MURRAY: May I rise again, because it would take four or five minutes to put this in —

DELEGATE JAMES (presiding): Your time has expired.

DELEGATE E. C. MURRAY: There is no advantage in going on unless I can present it as an entire idea.

A DELEGATE: May I yield my time, please?

DELEGATE JAMES (presiding): If there is unanimous consent, we will extend you — how much more time will you require?

DELEGATE E. C. MURRAY: About three minutes.

DELEGATE JAMES (presiding): This is a little bit too much. We might be able to extend you 30 seconds, or a minute, but we would have to afford this privilege to everyone, and I do not think we can violate the rules to this extent.

For what reason does Delegate Bennett rise?

DELEGATE BENNETT: I rise to ask unanimous consent that this interesting bit of history be put in the record and that Delegate Murray be granted two minutes additional.

DELEGATE JAMES (presiding): All those in favor say Aye; contrary, No.

This is an unusual honor accorded you, sir.